

**CHAPTER 122D**  
**SERVICES FOR CHILDREN IN OUT-OF-HOME**  
**PLACEMENT**

**Authority**

N.J.S.A. 30:4C-4(h) and 30:4C-26a.

**Source and Effective Date**

R.2009 d.5, effective December 2, 2008.  
See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

**Chapter Expiration Date**

Chapter 122D, Services for Children in Out-of-Home Placement, expires on December 2, 2013.

**Chapter Historical Note**

Chapter 122D, Foster Care Services, was adopted as R.1993 d.17, effective January 4, 1993 (operative July 1, 1993). See: 23 N.J.R. 3703(a), 25 N.J.R. 124(a).

Pursuant to Executive Order No. 66(1978), Chapter 122D, Foster Care Services, was readopted as R.1998 d.63, effective December 22, 1997. See: 29 N.J.R. 4273(a), 30 N.J.R. 492(a).

Chapter 122D, Foster Care Services, was readopted as R.2003 d.255, effective June 5, 2003. See: 35 N.J.R. 530(a), 35 N.J.R. 2930(a).

Chapter 122D, Foster Care Services, was readopted as R.2009 d.5, effective December 2, 2008. As a part of R.2009 d.5, Chapter 122D, Foster Care Services, was renamed Services for Children in Out-of-Home Placement; Subchapter 1, Visits Between the Foster Child and the Foster Child's Family, was renamed Visits Between the Child and the Child's Family; and Subchapter 2, Services to Children in Foster Home Placement, was renamed Services to Children in Out-of-Home Placement, effective January 5, 2009. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. VISITS BETWEEN THE CHILD AND THE CHILD'S FAMILY**

**10:122D-1.1 Purpose**

(a) The purpose of this subchapter is to ensure that each child placed by the Division in out-of-home placement shall have the opportunity to visit with parents, siblings and interested relatives. Visits with parents, siblings and other relatives may serve to:

1. Reinforce the child's identity;
2. Promote the child's need for stability, consistency, and permanency;
3. Maintain or establish family relationships;
4. Assess the parent's and other relative's motivation and ability to care for the child;
5. Provide an opportunity to model appropriate parenting behavior and skills; and
6. Facilitate the case goal of return home.

(b) The frequency and duration of visits are dependent on the purpose of the visits, the case goal and case plan and practical considerations of all parties. Visits that are frequent and of long duration are beneficial for most children placed in out-of-home placement and facilitate movement toward achieving a case goal that establishes permanency. The frequency and duration specified in each child's visitation schedule is a professional social work decision, which shall be made by the Division representatives, with full input from all those affected by the visitation plan. Unless otherwise limited by conditions set forth in N.J.A.C. 10:122B-1.4 and 10:122D-1.15, for most children in out-of-home placement, the goal is to hold a visit every week for a period as long in duration as possible.

Amended by R.1998 d.63, effective January 20, 1998.  
See: 29 N.J.R. 4273(a), 30 N.J.R. 492(a).

Amended by R.2003 d.255, effective July 7, 2003.  
See: 35 N.J.R. 530(a), 35 N.J.R. 2930(a).

In (a), substituted "placed by the Division in a licensed foster home" for "placed in a foster home approved by the Division" in the introductory paragraph, added "and permanency" in 2, added 6; in (b), inserted "representatives" following "Division" and amended the first N.J.A.C. reference.

Amended by R.2009 d.5, effective January 5, 2009.  
See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

In the introductory paragraph of (a), substituted "out-of-home placement" for "a licensed foster home"; in (a)1 and (a)2, deleted "foster" preceding "child's"; in (a)4, deleted "foster" preceding "child"; and in (b), substituted "that" for "which" following "Visits", "out-of-home placement" for "foster care" twice, "a" for "the" preceding the second occurrence of "case goal" and "that establishes permanency" for "of return home or permanency with a relative or family friend" and inserted a comma following "decision" and "representatives".

**10:122D-1.2 Scope**

The provisions of this subchapter shall apply to each child placed by the Division in an out-of-home placement, his or

her parents, siblings, interested relatives, out-of-home placement provider, and the Division.

Amended by R.2009 d.5, effective January 5, 2009.

See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

Deleted "foster" preceding "child", inserted "placed by the Division in an out-of-home placement" and substituted "out-of-home placement provider" for "foster family".

### 10:122D-1.3 Definitions

The definitions in N.J.A.C. 10:122B-1.3 and 10:122C-1.3 are hereby incorporated in this subchapter by reference.

Amended by R.2003 d.255, effective July 7, 2003.

See: 35 N.J.R. 530(a), 35 N.J.R. 2930(a).

Amended N.J.A.C. references.

Amended by R.2009 d.5, effective January 5, 2009.

See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

Deleted "1.2 and" following "10:122C-".

### 10:122D-1.4 Visitation plan

(a) A written visitation plan shall be developed to identify the type and frequency of visits to be instituted for every child in out-of-home placement unless otherwise directed by the court. The visitation plan is included in the case plan, in accordance with N.J.A.C. 10:133D-1.7(b)7.

(b) The visitation plan may exclude specific persons from having visits.

(c) The visitation plan shall give full consideration to the child's safety.

(d) The visitation plan shall include visits with siblings, if any. Sibling visits may take place with parental visits or separately.

Amended by R.2003 d.255, effective July 7, 2003.

See: 35 N.J.R. 530(a), 35 N.J.R. 2930(a).

In (a), added the second sentence.

Amended by R.2009 d.5, effective January 5, 2009.

See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

In (a), substituted "out-of-home placement" for "foster care"; and in (c), deleted "foster" preceding "child's".

Amended by R.2009 d.318, effective October 19, 2009.

See: 41 N.J.R. 1929(a), 41 N.J.R. 3930(b).

In (a), updated the N.J.A.C. reference.

### 10:122D-1.5 Developing the visitation plan

(a) The visitation plan for the first visit shall be developed and written prior to the date of placement or as soon as possible after the placement.

(b) The visitation plan for ongoing visits shall be completed within five working days of the initial date of placement.

(c) The visitation plan shall be evaluated and adjusted as needed and submitted in time for the first 45 day Child Placement Review, pursuant to N.J.S.A. 30:4C-50 et seq.

(d) For a child placed with a resource family parent or in shelter care, the visitation plan shall be developed through

negotiation and agreement by the Division representative, the parents, the child, and other parties involved, such as relatives, a former resource family parent interested in visiting the child, siblings, and their representatives. For each child placed in a residential child care facility, the treatment team develops the visitation plan in accordance with N.J.A.C. 10:127-6.1 and 6.6. For each child placed in a group home, the treatment team develops the visitation plan in accordance with N.J.A.C. 10:128-6.1 and 6.6.

(e) Sections of the visitation plan shall be negotiated separately with the siblings or their representatives and other interested relatives.

(f) The Division representative shall encourage the out-of-home placement provider to participate in developing the visitation plan.

(g) The out-of-home placement provider shall be consulted for information pertinent to visitation.

Amended by R.2009 d.5, effective January 5, 2009.

See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

In (d), substituted "For a child placed with a resource family parent or in shelter care, the" for "The" and "resource family parent" for "foster family", deleted "foster" preceding "child" twice and inserted the last two sentences; and in (f) and (g), substituted "out-of-home placement provider" for "foster parent".

### 10:122D-1.6 Distribution of the visitation plan

The Division representative shall give a copy of the visitation plan to the parent, the out-of-home placement provider, the child, when of an appropriate age, and other parties, including siblings, who are involved in developing the visitation plan and their representatives.

Amended by R.2009 d.5, effective January 5, 2009.

See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

Substituted "out-of-placement provider" for "foster parent" and deleted "foster" preceding "child".

Amended by R.2009 d.318, effective October 19, 2009.

See: 41 N.J.R. 1929(a), 41 N.J.R. 3930(b).

Substituted "out-of-home placement" for "out-of-placement", and deleted a comma following the second occurrence of "plan".

### 10:122D-1.7 Renegotiation of the visitation plan

(a) The Division representative shall renegotiate the visitation plan with all parties involved no less often than every six months.

(b) The Division representative shall also renegotiate the visitation plan:

1. When the case goal changes;
2. When circumstances change; or
3. Whenever any of the parties to the plan requests renegotiation.

Amended by R.2009 d.5, effective January 5, 2009.

See: 40 N.J.R. 3930(a), 41 N.J.R. 250(a).

In (a) and the introductory paragraph of (b), inserted "representative".